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Attorneys for Plaintiff(s)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA AT JUNEAU

MYRNA I. JOHNSON,)	
)	
Plaintiff,)	
)	
vs.)	
)	
FRED MEYER STORES, INC.,)	
)	
Defendant.)	J-04-008 CV (RRB)

RESPONSE TO DEFENDANT'S OPPOSITION TO PROPOSED JUDGMENT

This Court's Minute Order dated August 19, 2008 at Docket No. 176 required Plaintiff to submit a (Proposed) Judgment. The contents for a form of Judgment in Alaska are set out in Local Rule 58.1. That rule provides that entry of judgment is "not to be delayed for the taxing of costs or computation of pre-judgment interest" and specifically directs that the party preparing the judgment "leave a blank space in the form of judgment for insertion of costs, attorney's fees and interest."

Local Rule 58.1(d) also sets forth the mechanism by which a party can request prejudgment interest. It occurs *after* Judgment has been entered. Similarly, costs and attorneys' fees can only be requested once there is an entry of Judgment by the Clerk.

The form of Judgment submitted by Plaintiff on August 28, 2008 complies with the Court's Minute Order and Local Rule 58.1. This Court should approve entry of Judgment by

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1 the Clerk so that the parties can then substantively address costs, attorneys' fees, prejudgment
2 and post-judgment interest, as allowed by the rules and applicable law.

3 DATED Tuesday, September 02, 2008, at Juneau, Alaska.

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5 Respectfully submitted,
6 CHOATE LAW FIRM LLC

7 s/*Mark Choate*

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PROOF OF SERVICE

STATE OF ALASKA, FIRST JUDICIAL DISTRICT AT JUNEAU

I am employed in the City and Borough of Juneau, State of Alaska. I am over the age of 18 and not a party to the within action. My business address is 424 N. Franklin Street, Juneau, AK 99801.

On September 2, 2008, I served the foregoing document described as RESPONSE TO DEFENDANT'S OPPOSITION TO PROPOSED JUDGMENT, on the interested parties in this action by serving the original true copies, addressed as follows:

James Dickens
Miller Nash LLP
Attorney For: Fred Meyer Stores, Inc.
4400 Two Union Square
601 Union Street
Seattle, WA 98101-2352
Phone: (206) 622-8484
Fax: (206) 622-7485

Peter Gruenstein
Gruenstein & Hickey
Attorney For: Fred Meyer Stores, Inc.
500 L Street, Suite 401
Anchorage, AK 99501
Phone: (907) 258-4338
Fax: (907) 258-4350

☒ By electronic service through the court of record's electronic service system,

☐ (State) I declare under penalty of perjury under the laws of the State of Alaska that the foregoing is true and correct.

☒ (Federal) I declare that I am employed in the office of a member of the Bar of this Court, at whose direction the service was made.

Executed on September 2, 2008 at Juneau, Alaska.

s/Mark Choate

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